

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

AQUINNAH/GAY HEAD COMMUNITY
ASSOCIATION, INC., and TOWN OF AQUINNAH,

Intervenor-Plaintiffs/Counterclaim-Defendants,

v.

THE WAMPANOAG TRIBE OF GAY HEAD
(AQUINNAH), THE WAMPANOAG TRIBAL
COUNCIL OF GAY HEAD, INC., and THE
AQUINNAH WAMPANOAG GAMING
CORPORATION,

Defendants/Counterclaim-Plaintiffs,

v.

CHARLES D. BAKER, in his official capacity as
GOVERNOR, COMMONWEALTH OF
MASSACHUSETTS, et al.,

Third-Party Defendants.

Civil Action
No. 13-13286-FDS

**PLAINTIFF COMMONWEALTH OF MASSACHUSETTS AND
INTERVENOR-PLAINTIFFS/COUNTERCLAIM-DEFENDANTS TOWN OF
AQUINNAH AND AQUINNAH/GAY HEAD COMMUNITY ASSOCIATION, INC.'S
MOTION FOR ENTRY OF FINAL JUDGMENT**

Plaintiff Commonwealth of Massachusetts ("Commonwealth") and
Intervenor-Plaintiffs/Counterclaim-Defendants Town of Aquinnah ("Town") and Aquinnah/Gay
Head Community Association, Inc. ("AGHCA"), hereby respectfully move the Court for entry of
final judgment in their favor in the above-captioned matter, in the form attached hereto as
Exhibit A. On May 28, 2015, the Commonwealth, the Town, and the AGHCA, as well as

Defendants/Counterclaim-Plaintiffs Wampanoag Tribe of Gay Head (Aquinnah), Wampanoag Tribal Council of Gay Head, Inc., and Aquinnah Wampanoag Gaming Corporation (collectively, “the Tribe”), each filed motions for summary judgment. *See* Dkts. 112, 116, 119, 120. On November 13, 2015, the Court issued its Memorandum and Order on Motions for Summary Judgment (“Summary Judgment Order”). *See* Dkt. 151. Pursuant to that memorandum and order, the Court granted the Commonwealth’s, the Town’s, and the AGHCA’s motions for summary judgment, and denied the Tribe’s motion for summary judgment. *See id.* at 40. The Tribe has since moved for reconsideration, *see* Dkt. 152, which the Court denied on December 23, 2015, *see* Dkt. 153. In light of the Court’s Summary Judgment Order, no claims remain unresolved between the Tribe and the Commonwealth, the Town, and the AGHCA. Accordingly, the Commonwealth, the Town, and the AGHCA respectfully request that the Court enter an order of final judgment in the form attached as Exhibit A.

On December 28, 2015, the Court entered an order of dismissal in this matter. *See* Dkt. 154. Given that the Court’s Summary Judgment Order granted summary judgment in favor of the Commonwealth, the Town, and the AGHCA, *see* Dkt. 151 at 40; *see also* Dkts. 112, 116, 120, the order of dismissal appears to be inconsistent with the Court’s Summary Judgment Order. Thus, the Commonwealth, the Town, and the AGHCA respectfully request that the order of dismissal, Dkt. 154, be withdrawn, and the proposed final judgment attached as Exhibit A be entered.

Respectfully submitted,

THE COMMONWEALTH OF MASSACHUSETTS

By its attorney,

MAURA HEALEY
ATTORNEY GENERAL

December 29, 2015

/s/ Juliana deHaan Rice
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TOWN OF AQUINNAH

By its attorneys,

December 29, 2015

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AQUINNAH/GAY HEAD COMMUNITY
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By its attorneys,

December 29, 2015

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LOCAL RULE 7.1(a)(2) CERTIFICATION

Undersigned counsel certifies that counsel for plaintiffs conferred in good faith with counsel for the other parties pursuant to Local Rule 7.1(a)(2) on December 8, 2015, and December 29, 2015, in an attempt to resolve or narrow the issue.

/s/ Felicia H. Ellsworth
Felicia H. Ellsworth

CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2(b), I hereby certify that this document filed through the ECF system on December 29, 2015, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Felicia H. Ellsworth
Felicia H. Ellsworth